

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

REBECCA IRENE FISHERIES, LLC,

Plaintiffs,

v.

CARLOS M. GUTIERREZ, *et al.*,

Defendants.

Case No. C05-0891L

ORDER DENYING DEFENDANTS'  
MOTION FOR PRELIMINARY  
INJUNCTION PENDING APPEAL

This matter comes before the Court on defendants' telephonic motion for a preliminary injunction pending appeal. In order to justify relief pending appeal, defendants have the burden of showing (1) that there is a strong likelihood that they will succeed on the merits of their appeal; (2) that they will suffer irreparable injury if the proceeding is not stayed; (3) that a stay would not substantially injure any other party; and (4) that a stay is in the public's interest. See Hilton v. Braunskill, 481 U.S. 770, 776 (1987). The Court finds that defendants have not established a strong likelihood that they will be able to convince the Ninth Circuit that the 60-day permit suspension during the winter rock sole roe was based on substantial evidence in the record. Defendants' telephonic motion for a preliminary injunction pending appeal is, therefore, DENIED.

ORDER DENYING DEFENDANTS' MOTION FOR  
PRELIMINARY INJUNCTION PENDING APPEAL

1 DATED this 5th day of January, 2006.

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4 Robert S. Lasnik  
5 United States District Judge  
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